

5 APR 1976

MEMORANDUM FOR: Directorate Privacy Act Coordinators

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FROM : Gene F. Wilson, Chief, Information and Privacy Staff,
DD/A

SUBJECT : Annual Privacy Act Report

1. The Privacy Act, 5 U.S.C. 552a, requires that each Executive Department and agency submit an annual report to the Office of Management and Budget (OMB) no later than 30 April each year concerning its activities to implement the Act during the preceding calendar year. Since the Act became effective on 27 September 1975, this year's report will cover the period from August 1975, when the initial notice of systems of records and the implementing regulations were published in the Federal Register, to 31 December 1975.

2. The OMB report guidelines, issued 25 March 1976, specify that agency submissions focus on three areas: (1) exemption policies and procedures; (2) actions taken to comply with the Act and initiatives planned for the current year; and, (3) evaluation of the effects of the Act. In anticipation of the report requirement, the Information and Privacy Staff has maintained certain statistics and information that will satisfy most of the reporting requirements. However, to assure that CIA's annual report takes into account total Agency experience, it is requested that Directorate Privacy Act Coordinators respond to subparagraph a. below and comment, where appropriate, on subparagraphs b. through f.

a. Provide the number of individuals (U.S. citizens and permanent resident aliens) on whom files are maintained in each record system which has been identified in the Federal Register. Recognizing that most record systems are not structured according to nationality, estimates rather than actual numbers will suffice. If an estimate is given, provide a brief statement explaining the basis for the estimate. If, in the judgment of the System Manager, the number of individuals on whom files are maintained should not be reported in keeping with Agency security restrictions, a brief explanation for withholding the data should be submitted in lieu of furnishing the number.

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b. Obtaining information from individuals.

(1) Has there been any perceptible change in the willingness of individuals to provide information on third parties, e.g., security background investigations and intelligence gathering operations, etc.?

(2) Indicate the extent to which sources of information are requesting pledges of confidentiality.

c. Obtaining information from other agencies.

The Act establishes a number of constraints on the exchange of personal information among agencies. Discuss the extent, if any, to which the Act has limited the component's ability to obtain information from other agencies and, if it has, whether it has been necessary to establish new separate reporting systems to obtain information previously available from other agencies.

d. Disclosing information.

The Privacy Act is intended to assure that, with limited exceptions, information collected for one purpose should not be used for another without the express written consent of the individual to whom the information pertains. Discuss the impact this limitation has had on disclosing records to the public (including the press) and to State and local governments.

e. Individual access to Agency records.

The Act provides that individuals should have access to and an opportunity to correct information pertaining to them in Agency records. IPS maintains records on all formal requests from the public and from Agency personnel. However, since the Agency regulations provide an informal mechanism for an employee to review his records, we want to report on the estimated number of employees who have taken advantage of this opportunity. Compare the number of employees who have requested and received access since the effective date of the Act with those who requested access prior to the Act.

f. Safeguards to protect against unwarranted disclosures.

Discuss any actions taken since the effective date of the Act to protect records from unwarranted disclosures.

3. Responses should be submitted by close of business on 16 April 1976.

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Gene F. Wilson

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